IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.19085 of 2006

Dated: September 15, 2006

Between:

A. Jagannadha Rao, S/o. Late A.V. Subba Rao, Aged about 53 years, Occ: SDE (Gr), O/o. Divisional Engineer (Rural), Nizamabad, Nizamabad District.

… Petitioner

And

The Chief General Manager, A.P., Telecom Circle, (BSNL) Door Sanchar Bhavan, Abids, Hyderabad, and others.

… Respondents

Order:

Petitioner, by this writ petition, questions the action of the second respondent in issuing proceedings dated 31-05-2006, imposing on him, a penalty of withholding one increment for a period of one year without cumulative effect and recovering an amount of Rs. 5,80,741/- from him.

2. Heard learned counsel for the petitioner and the learned

Standing Counsel appearing for the respondents.

3. The facts of the case in brief are:

Certain disciplinary proceedings were initiated against the petitioner, an employee of Bharat Sanchar Nigam Limited, who is presently working as Sub-divisional Engineer in the Office of the Divisional Engineer (Rural), Nizamabad. The primary authority, namely, the General Manager, Telecom District, BSNL, Nizamabad, has passed final orders dated 31-05-2006 in Proceedings No.GMTD-NZB/X/Disc/06-07/15, imposing on him, a penalty of withholding one increment for a period of one year without cumulative effect at the stage of Rs.16,375/- due on 01-06-2006 in the pay scale of Rs.11875-300-17275, and also ordered to recover an amount of Rs.5,80,741/- from him. Against the said order, the petitioner filed an appeal before the Chief General Manager, Telecommunications, Andhra Pradesh, Hyderabad.

4. A copy of the grounds raised in the said appeal has been filed along with the material papers. One of the grounds is that the aforesaid amount was recovered from him without even framing appropriate charge in that regard. A perusal of the proceedings of the primary authority dated 31-05-2006 would indicate that no detailed enquiry was conducted by framing a charge so far as recovery of the said amount is concerned.

5. As much as it is not in dispute that the petitioner has preferred an appeal against the order dated 31-05-2006 to the first respondent, the Chief General Manager, Telecommunications, Andhra Pradesh, Hyderabad, and the same is pending consideration, I deem it appropriate to dispose of the writ petition directing the first respondent

to consider the said appeal preferred by the petitioner and pass appropriate orders, as expeditiously as possible, preferably within a period of four months from the date of receipt of this order. It is made clear that in view of the primary ground raised by the petitioner that no specific charge has been framed for recovering an amount of Rs. 5,80,741/- from him, I direct the respondents not to give effect to the order of the primary authority to the extent of recovery of the said amount till the appeal filed by the petitioner before the first respondent, is disposed of.

6. Subject to the above observations, the writ petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY.

September 15, 2006
MRR

Though *prima facie* it appears that such recovery can be made, in the absence of making a specific charge whether the said amount can be

recovered from the petitioner is a question that cannot be gone into at this stage.